IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 576 OF 2007

MR. CLIVE M. BRAGANZA, BARDEZ-GOA. ... Petitioner
Versus
VILLAGE PANCHAYAT OF ARPORA-NAGOA,
THROUGH ITS SARPANCH AND 2 ORS., ... Respondents

Mr. M. S. Sonak, and Mr. P. S. Rao, Advocates for the petitioner.
Mr. S. R. Rivonkar, Government Advocate for respondents No.2 and 3.

Coram:- D. B. BHOSALE &
N. A. BRITTO, JJ.

Date:- 4th December, 2007

P.C.

Heard learned Counsel for the petitioner. By this writ petition, the petitioner has impugned a letter/revocation order dated 12.11.2007, issued by the Office of Village Panchayat of Arpora-Nagao, revoking the No Objection Certificate dated 23.8.2007 issued for a Saturday Night Bazaar/Market in survey No.55/0 at Sim Vaddo, Arpora. It appears that the impugned letter/Order has been issued by the Panchayat pursuant to a Circular dated 20.9.07, issued by the Director of Panchayats, Panaji, Goa and communicated by the Block Development Officer vide communication dated 8.10.07. The petitioner has already made a representation to the Director of Panchayats, Panaji, Goa seeking revocation of the order dated 12.11.07 and the circular dated 20.9.2007. We are informed that the said representation has yet not been considered and decided by the concerned Authority.

2. Considering the nature of controversy involved in this writ petition and considering that the representation made by the petitioner, seeking revocation of the impugned order dated 12.11.07 is still pending,

we are satisfied that this petition can be disposed of by following order :

The Chief Secretary, State of Goa, shall decide the representation of the petitioner dated 16.11.07, addressed to the Director of Panchayats, Panaji-Goa, as expeditiously as possible and in any event, on or before 14th December, 2007. The petitioner shall appear before the Chief Secretary on 6.12.07 at 4.30 p.m. on which date, the Chief Secretary may hear the petitioner and the other concerned and decide the representation or may fix any other date for hearing and shall endeavour to decide the same on or before 14.12.07, on merits and in accordance with law.

All contentions, including a challenge to the Circular dated 20.9.07, are kept open. It is open for the petitioner to file an additional representation and place such other material on record, as he desires to rely upon, on or before 6.12.07.

The learned Government Advocate and the petitioner, shall inform the concerned Panchayat, in writing along with a copy of this order, to appear before the Chief Secretary on the aforesaid date and time and shall also intimate them to file a reply, if they so desire.

With these directions, the writ petition is disposed of. Authenticated copy of this order be issued to the parties.

D. B. BHOSALE, J.

N. A. BRITTO, J.

ssm.